

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALFRED TUCKER,

Defendant.

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8:10CR369

ORDER

This matter is before the court on the motion of Jeffrey L. Thomas and the Office of the Federal Public Defender to withdraw as counsel for defendant Alfred Tucker (Tucker) ([Filing No. 20](#)). Mr. Thomas asserts irreconcilable differences have arisen between Mr. Thomas and Tucker and Tucker has insisted Mr. Thomas withdraw. The court held a hearing on the motion on November 30, 2010. Tucker appeared with his counsel, Mr. Thomas. After an in camera discussion with Tucker and Mr. Thomas, the court determined that the attorney-client relationship was irretrievably broken to the point that new counsel should be appointed. Mr. Thomas's motion to withdraw ([Filing No. 20](#)) is granted and substitute counsel will be appointed.

Michael J. Lehan, 7132 Pacific Street, Omaha, NE 68106, (402) 397-9559, is appointed to represent Tucker for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Lehan shall file his appearance in this matter forthwith. The clerk shall provide a copy of this order to Mr. Lehan.

Mr. Thomas shall forthwith provide Mr. Lehan with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Thomas which are material to Tucker's defense.

IT IS SO ORDERED.

IT IS FURTHER ORDERED:

Tucker's motion to suppress (Filing No. 18) is scheduled for an evidentiary hearing before the undersigned magistrate judge in Courtroom No. 7, Second Floor, Roman L.

Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing **at 9:30 a.m. on December 23, 2010**. Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

- (a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.
- (b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge. Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

DATED this 2nd day of December, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge